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09/777,969	02/05/2001	Brig Barnum Elliott	00-4029	4247

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EXAMINER	
PHAM, TUAN	

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/777,969	ELLIOTT, BRIG BARNUM	
	Examiner	Art Unit	
	TUAN A. PHAM	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,14-23,27-35 and 60-67* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,14-23,27-35 and 60-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-10, 14-23, 27-35, and 60-67 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 4-10, 14-15, 17-23, 27, and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (Pub. No.: US 2001/0014616, hereinafter, "Matsuda") in view of Yamashita (U.S. patent No.: 6,070,053).

Regarding claims 1 and 27, Matsuda teaches a method and program product for operating a user communication device (see figure 15), comprising the steps of:

providing a pre-configured and complete digital representation of an audible signal in each of a plurality of memory locations of a memory of the user communication device, the audible signals being unique with respect to one another (see figure 3, figure 4, pattern number memory 103, each pattern number is associated with each memory location for storing the ringing sound, each pattern number is associated with one unique of ringing sound, col.4, [0040-0042]);

receiving a call signal at the user communication device (see figure 18, col.4, [0040-0042]);

in response to receiving the call signal at the user communication device, selecting one of the plurality of memory locations (see col.4, [0040-0042]); and

generating an audible signal, wherein the audible signal that is generated is the audible signal represented by the pre-configured and complete digital representation provided in the memory location selected in the selecting step (see col.4, [0040-0042]).

It should be noticed that Matsuda fails to teach in response to receipt of a call signal that itself includes information identifying an audible signal and that is from a source listed in the memory as being pre-authorized, the audible signal that is generated is that audible signal identified by the call signal, rather than the audible signal represented by the pre-configured and completed digital representation provided in the memory location selected in the selecting step. However, Yamashita teaches in response to receipt of a call signal that itself includes information identifying (read on identification number code) an audible signal (read on music data) and that is from a source listed in the memory (the music data is stored at base station, which is stored in the memory, col.4, ln.42-46) as being pre-authorized (see col.5, ln.29-50, the called party will agree with caller to send the ring tone to the receiver by checking the receiving ID number and music data), the audible signal that is generated is that audible signal identified by the call signal, rather than the audible signal represented by the pre-configured and completed digital representation provided in the memory location selected in the selecting step (see col.5, ln.15-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Yamashita into view of Matsuda in order to alter the different melody by the user without having to replace the circuit board or memory as suggested by Yamashita at column 2, lines 10-17.

Regarding claim 2, Matsuda further teaches a method wherein the user communication device comprises at least one of a telephone and a radiotelephone (see figure 15, col.2, [0033]).

Regarding claims 4 and 29, Matsuda further teaches a method wherein the providing step comprises the steps of: applying at least one audible signal to an input of a user input-interface of the user communication device, and outputting at least one corresponding analog signal within the device; in response to the inputting step, converting the at least one analog signal to at least one corresponding digital representation of that at least one audible signal; and storing the at least one digital representation in the memory of the user communication device (see figure 15, coding/decoding 1512, col.5, [0047-0048]).

Regarding claims 5 and 31, Matsuda further teaches a method further comprising a step of determining at least one of a date and a time at which the call signal is received in the user communication device, and wherein the step of selecting one of the plurality of memory locations is performed based on a result of the determining step (see figure 5, incoming call time detector 202, col.5, [0051]).

Regarding claims 6 and 32, Matsuda further teaches a method wherein the selecting step is performed by randomly selecting one of the pluralities of memory locations (see figure 3, col.4, [0040]).

Regarding claims 7 and 33, Matsuda further teaches a method further comprising a step of operating an input-user interface of the user communication device to input information into the user communication device specifying that one of the plurality of memory locations be selected, and wherein the selecting step is performed by selecting the memory location specified by the inputted information (see col.5, [0047-0048]).

Regarding claims 8 and 30, Matsuda further teaches a method wherein the selecting step is performed based on predetermined information included in the received call signal (see figure 2, col.4, [0040], selecting the ring tone is based on the receiving telephone number).

Regarding claims 9 and 34, Matsuda further teaches a method generating step is performed by generating the audible signal at predetermined time intervals (see col.3, [0037]).

Regarding claims 10 and 35, Matsuda further teaches a method further comprising the steps of: determining at least one acoustic characteristic of at least one of the audible signals, based on at least one digital representation representing that at least one audible signal; comparing the at least one acoustic characteristic determined in the determining step to at least one predetermined acoustic characteristic; and scaling the at least one digital representation based on a result of the comparing step,

to normalize the at least one acoustic characteristic of the at least one audible signal (see col.4, [0042]).

Regarding claim 14, Matsuda teaches a user communication device (see figure 15), comprising: a memory including a plurality of memory locations, each storing a digital representation of a corresponding audible signal (see figure 4, pattern number 1-4, col.4, [0004]; a communication interface, coupled to an external interface, for receiving a call signal forwarded from a source communication device through the external interface (see figure 15, external interface 1510, the antenna receive the signal from the caller, which is associated source communication device, col.4, [0042]); an output-user interface having an input, the output-user interface for outputting an audible signal in response to an analog signal being applied to that input (see figure 15, speaker 1520, col.2, [0033]); a converter having an input and an output, the output being coupled to the input of the output-user interface, the converter for converting digital information applied to the input thereof to a corresponding analog signal (see figure 15, coding/decoding 1512, col.2, [0033]); and a controller coupled to the memory, the communication interface, and the input of the converter, the controller being responsive to receiving the call signal from the communication interface for selecting one of the plurality of memory locations, and for applying the digital representation stored in the selected memory location to the input of the converter, to cause the converter to output a corresponding analog signal to the input of the output-user interface, and thereby cause the output-user interface to output the corresponding audible signal (see figure 1,

figure 15, memory 1515, coding/decoding 1512, controller 1516, speaker 1520, col.2, [0033-0034]).

It should be noticed that Matsuda fails to teach in response to receipt of a call signal that itself includes information identifying an audible signal and that is from a source listed in the memory as being pre-authorized, the audible signal that is generated is that audible signal identified by the call signal, rather than the audible signal represented by the pre-configured and completed digital representation provided in the memory location selected in the selecting step. However, Yamashita teaches in response to receipt of a call signal that itself includes information identifying (read on identification number code) an audible signal (read on music data) and that is from a source listed in the memory (the music data is stored at base station, which is stored in the memory, col.4, ln.42-46) as being pre-authorized (see col.5, ln.29-50, the called party will agree with caller to send the ring tone to the receiver by checking the receiving ID number and music data), the audible signal that is generated is that audible signal identified by the call signal, rather than the audible signal represented by the pre-configured and completed digital representation provided in the memory location selected in the selecting step (see col.5, ln.15-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Yamashita into view of Matsuda in order to alter the different melody by the user without having to replace the circuit board or memory as suggested by Yamashita at column 2, lines 10-17.

Regarding claim 15, Matsuda further teaches the user communication device comprises at least one of a telephone and a radiotelephone (see figure 15, col.2, [0033]).

Regarding claim 17, Matsuda further teaches the user communication device further comprising: an input interface having an input, and also having an output coupled to said controller, said input interface being responsive to each individual audible signal being applied to that input for outputting a corresponding analog signal in said user communication device; and a further converter interposed between an output of said input interface and an input of said controller, said further converter being responsive to receiving each individual analog signal for producing the corresponding digital representation, and wherein said controller is responsive to each individual produced digital representation for storing the produced digital representation in said memory (see figure 1, figure 15, memory 1515, coding/decoding 1512, controller 1516, speaker 1520, col.2, [0033-0034]).

Regarding claim 18, Matsuda further teaches the user communication device wherein said controller selects one of the plurality of memory locations based on predetermined information included in the call signal (see col.4, [0040]).

Regarding claim 19, Matsuda further teaches the user communication device wherein said controller is responsive to the call signal being received for determining at least one of a date and a time at which the call signal is received in the user communication device, and selects one of the plurality of memory locations based on the determined at least one of the date and time (see col.5, [0051]).

Regarding claim 20, Matsuda further teaches the user communication device wherein said controller selects one of the plurality of memory locations at random (see figure 3, col.4, [0040]).

Regarding claim 21, Matsuda further teaches the user communication device wherein said user communication device further comprises an input user interface for inputting, into said controller, information specifying that one of the plurality of memory locations be selected, and said controller is responsive to the call signal being received for selecting the memory location specified by the information inputted through said input user interface (see figure 17a-17c, col.3, [0037]).

Regarding claim 22, Matsuda further teaches the user communication device wherein said controller applies the retrieved digital representation to the input of said converter at predetermined time intervals, to cause the audible signal to be output at those predetermined time intervals (see figure 17a-17c, col.3, [0037]).

Regarding claim 23, Matsuda further teaches the user communication device determining at least one acoustic characteristic of at least one of the audible signals, based on at least one digital representation representing that at least one audible signal; comparing the at least one acoustic characteristic determined in the determining step to at least one predetermined acoustic characteristic; and scaling the at least one digital representation based on a result of the comparing step, to normalize the at least one acoustic characteristic of the at least one audible signal (see col.4, [0042]).

4. Claims 3, 16, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (Pub. No.: US 2001/0014616, hereinafter, "Matsuda") in view of Yamashita (U.S. patent No.: 6,070,053) as applied to claims 1 and 27 above, and further in view of Lee (U.S. Patent No.: 6,418,330).

Regarding claims 3 and 28, Matsuda and Yamashita, in combination, fails to teach the user communication device is coupled to a network having a storage device, and the providing step comprises the steps of: receiving, at the user communication device, each digital representation from the storage device; and storing each received digital representation in a respective one of the memory locations. However, Lee teaches such features (see figure 2, database 200, radio 130, col.2, ln.62-67, col.3, ln.1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Lee into view of Matsuda and Yamashita in order to store the different ring tone in the mobile device and as suggested by Lee at col.1, ln.35-45.

Regarding claim 16, Lee further teaches said controller is in communication with at least one communication network through the external interface and said communication interface, the at least one communication network has a storage device for storing each digital representation, and wherein said controller is responsive to receiving each individual digital representation from the storage device of the at least one network for storing that digital representation in said memory (see figure 2, database 200, radio 130, col.2, ln.62-67, col.3, ln.1-5).

5. Claims 60-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (Pub. No.: US 2001/0014616, hereinafter, "Matsuda") in view of Yamashita (U.S. patent No.: 6,070,053), and further in view of Lee (U.S. Patent No.: 6,418,330).

Regarding claim 60, Matsuda teaches a second user communication device comprising a memory (see figure 15, memory 1515, col.2, [0033]), a second communication interface coupled to the external interface (see figure 15, antenna 1510, col.2, [0033]), and an audible signal generator portion coupled to the memory and the second communication interface (see figure 15, ringing sound generator 1519, memory 1515, col.2, [0033]), wherein the memory has a plurality of memory locations, each of which stores a digital representation of a corresponding audible signal (see figure 4, pattern number memory 1-4, col.4, [0040]), and the audible signal generator portion is responsive to the call signal being received from the first user communication device through the second communication interface for selecting one of the memory locations and for generating an audible signal, wherein the audible signal that is generated is the audible signal represented by the digital representation stored in the selected memory location (see col.2, [0033], col.4, [0040]).

It should be noticed that Matsuda fails to teach in response to receipt of a call signal that itself includes information identifying an audible signal and that is from a source listed in the memory as being pre-authorized, the audible signal that is generated is that audible signal identified by the call signal, rather than the audible signal represented by the pre-configured and completed digital representation provided

in the memory location selected in the selecting step. However, Yamashita teaches in response to receipt of a call signal that itself includes information identifying (read on identification number code) an audible signal (read on music data) and that is from a source listed in the memory (the music data is stored at base station, which is stored in the memory, col.4, ln.42-46) as being pre-authorized (see col.5, ln.29-50, the called party will agree with caller to send the ring tone to the receiver by checking the receiving ID number and music data), the audible signal that is generated is that audible signal identified by the call signal, rather than the audible signal represented by the pre-configured and completed digital representation provided in the memory location selected in the selecting step (see col.5, ln.15-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Yamashita into view of Matsuda in order to alter the different melody by the user without having to replace the circuit board or memory as suggested by Yamashita at column 2, lines 10-17.

Matsuda and Yamashita, in combination, fails to teach a communication system, comprising: a first user communication device comprising a first communication interface coupled to an external interface, and a controller coupled to the first communication interface, the controller being operable for forwarding a call signal through the first communication interface. However, Lee teaches such features (see figure2, figure 3, calling terminal 100, terminal 100 can be a mobile device that is included a antenna and controller for receiving and controlling the RF signal, col.1, ln.35-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Lee into view of Matsuda and Yamashita in order to conveniently communicate with other device through the network.

Regarding claim 61, Lee further teaches a communication system wherein each of the first and second user communication devices comprise one of a telephone, a radiotelephone, and an information appliance (see figure 2, telephone 100, radio 130).

Regarding claim 62, Matsuda further teaches a communication system wherein the audible signal generator portion selects one of the memory locations based on predetermined information included in the received call signal (see figure 2, col.4, [0040], selecting the ring tone is based on the receiving telephone number).

Regarding claim 63, Matsuda further teaches a communication system wherein the audible signal generator portion is responsive to the call signal being received for determining at least one of a date and a time at which the call signal is received, and selects one of the plurality of memory locations based on a result of that determination (see col.5, [0051]).

Regarding claim 64, Matsuda further teaches a communication system wherein the audible signal generator portion randomly selects one of the pluralities of memory locations (see figure 3, col.4, [0040]).

Regarding claim 65, Matsuda further teaches a communication system wherein said second user communication device further comprises an input-user interface coupled to the audible signal generator portion, for inputting information into that device

specifying that one of the plurality of memory locations be selected, and wherein the audible signal generator portion is responsive to the call signal being received for selecting the memory location specified by that inputted information (see col.5, [0047-0048]).

Regarding claim 66, Lee further teaches a communication system wherein the communication system also comprises at least one communication network coupled to the first and second user communication devices through the respective first and second communication interfaces, said at least one communication network comprises a message station and a storage device storing the digital representations of the audible signals, wherein at least one of the controller of said first user communication device and the audible signal generator portion of said second user communication device is operable for communicating a download request to the at least one network, and wherein the message station is responsive to receiving the download request for providing the digital representations from the storage device to the second communication interface of the second user communication device, and wherein the audible signal generator portion of said second user communication device is responsive to receiving the digital representations from the second communication interface for storing the digital representations in respective ones of the memory locations in the memory (see figure 2, database 200, col.2, ln.63-67, col.3, ln.1-35).

6. **Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (Pub. No.: US 2001/0014616, hereinafter, "Matsuda") in view of Yamashita (U.S. patent No.: 6,070,053), and further in view of Lee (U.S. Patent No.: 6,418,330) as applied to claim 60 above, and further in view of Lin et al. (U.S. Patent No.: 6,366,791, hereinafter, "Lin").**

Regarding claim 67, Matsuda, Yamashita, and Lee, in combination, fails to clearly teach the download request a plurality of times at respective predetermined time intervals. However, Lin teaches such feature (see col.4, ln.56-67).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Lin, into view of Matsuda, Yamashita, and Lee in order to request for downloading the ring tone to mobile device.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Doris To can be reached on (571) 272-7629 and

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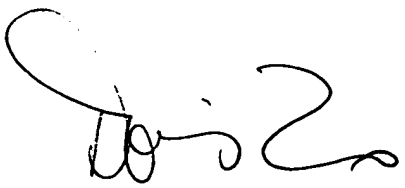
Art Unit 2643
February 9, 2006
Examiner

Tuan Pham



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